GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga.

Award of the Labour Court, Hubli—published.

Read the following papers:—

(i) Letter No. 1461/67-68, dated 5th October 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 5th October 1967.

Reference (IB) (LCH) No. 74 of 1966

Present:

Sri Syed Azizuddin Ahmed, M.A., B.L., ... *Presiding Officer*.

Between:

The Workmen of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga represented by the Secretary, Gumasta Sangh, Gulbarga. ... *I Party*.

and

The Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga. ... *II Party*.

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No. LMA 513 LLD 66, dated 26th November 1966. The points of dispute referred for adjudication are as under:

Is the Management of Sri Ramachandar Vithoba Rangadal, Sandal Galli, Gulbarga, justified in terminating the services of Sri Sharanayya S/o Veerayya Swamy from 1st December 1965?

If not, is he entitled to reinstatement with back wages and continuity of Service?

2. The cause of the aggrieved workman has been sponsored and espoused by the Gumasta Sangh, Gulbarga, represented by its Secretary, Sri Siddramappa, Secretary appeared f r the I Party while Sri Ramachandar Vithoba Kangadal Proprietor appeared for the II Party. In resp nse to the notices issued by the Court, the parties have filed their pleadings dated 20th December 1966 and 24th July 1967 respectively.

3. The case of the I Party is that Sri Sharanayya, the aggrieved workman was working as a Gumasta under the II Party from 10th January 1921 to 1st December 1965 on which date his services were terminated. He was drawing a salary of Rs. 100 p.m. at that time. The II Party terminated the services of the aggrieved workman without giving him any notice and without holding an enquiry. The action of the management is unilateral, unreasonable and illegal. It was prayed that he may be reinstated in his post and he may be given the arrears of salary and other benefits detailed in the claim statement.

4. The II Party contested the claim of the I Party. The stand of the II Party is that Sri Sharanayya left the job of his own will in April 19 1. Thus, there was no question of terminating his services on 1st December 1965. The points of dispute specified in the order of reference were adopted as issues in the case. The proprietor of the II Party examined himself and closed his oral evidence while two witnesses including the aggrieved workman were examined by the I Party. The I Party got marked as exhibits three documents.

FINDINGS.

5. Ramachandar, M.W. 1 is none other than the proprietor himself. He deposed that in the year 1960, the aggrieved workman worked with him temporarily for about 3 or 4 months. He had entrusted him with Rs 18,000 near about for supplying articles to the Jail, himself being a Jail Contractor. Sri Sharanayya left his service of his own accord and joined Dattatraya Trading Company. He has not accounted for the amount entrusted to him up till now.

6. In rebuttal, Sri Sharanayya, W.W.1 deposed that he had worked with the II Party for abont 44 years. When he asked the proprietor to pay him his salary, the latter asked him to go sway

from the job, Sri Gurushantappa, W.W.2 has a different story to tell. He deposed that Sri Sharanayya fell ill for about two months two years ago. After recovery, he came and told him that he had gone to the II Party for service and the latter had refused to entertain him in service. This is a case of the parties trying to outwit one another. Whether the proprietor had entrusted him with Rs. 18,000 or not is a moot-point. The question that arises for determination is whether the proprietor had dispensed with the services of the aggrieved workman from 1st December 1965. The aggrieved workman of his own admission has served the management for 44 years. His age as per his statement is 62 years but he appeared still older. I found him a weak and emaciated person with one eye permanently damaged. He has already reached the age of superannuation. It would be highly unreasonable to ask the management to reinstate such a workman. The story set up by him that the management had dispensed with his services from 1st December 1965 is highly incredible.

7. In view of the glaring discrepancy appearing in his statement and that of his witness, it is hard to believe that the proprietor would have asked him to go away jobless for no reason when the workman had put in such a length of service. There is nothing worthwhile in the three documents filed by him. They do not support his claim in the least. There is not an *iota* of witness to hold that the management did not pay him salary for the year 1964 65 and 1965-66. The point of dispute is decided in favour of the II Party.

AWARD

There is nothing to say that the management of Sri Ramachandar Vithoba had terminated the services of Sri Sharanayya S/o Veerayya Swamy from 1st December 1965. The question of his reinstatement with back wages and continuity of service does not arise. He is not entitled to any of these reliefs. The parties shall bear their own costs.

Place : Hubli

Date : 15-10-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli

ANNEXURE

Reference (ID) (LCH) No. 74/1966

Witnesses examined for I Party

W.W. 1 Sharanayya Veerayya Swamy.
W.W. 2 Gurushantappa Channabasappa Shahabad.

Witnesses examined for II Party

M.W 1 Ramachandar Vithoba Rangadal.

Documents marked for I Party

Exhibits :—

W1 Bill of K M. Jadhav, Bijapur, dated 6-10-1959.
W2 Application of Sri S. S. Rangji, dated 24-7-1967.
W3 Supply list dated 1-8-1958.

Documents marked for II Party

Nil

Place : Hubli

Date : 5-10-1967

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

ORDER

Bangalore, dated 21st October 1967.

S. O. 2055.—WHEREAS by State Government Order No. LMA 513 LLD 66, dated 26th November 1966. the Industrial Dispute between the Workmen and the Management of Sri Ramachandar Vithoba Rangadal Sandal Galli, Gulbarga was referred to the Labour Court, Hubli for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore is pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 513 LLD 66.]

By Order and in the name of the Governor of Mysore,
G. G. PUROHIT, *Under Secy.*